

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MICHAEL E. CLARK,

Plaintiff,

v.

ADRIAN GUERRERO,

Defendant.

Case No. 2:09-cv-00141-JCM-PAL

PRETRIAL NOTICE ORDER

This matter is before the court on Plaintiff's Pretrial Order (Dkt. #143). The court has reviewed Plaintiff's Pretrial Order and finds it does not fully comply with the requirements of Local Rule of Civil Practice 16-3 and 16-4. In addition, Defendant Adrian Guerrero has not participated in filing it as required by LR 16-3(d).

Accordingly,

**IT IS ORDERED:**

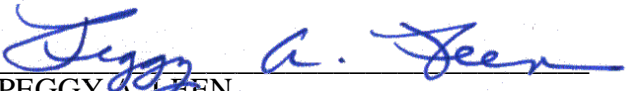
1. Plaintiff's Pretrial Order (Dkt. #143) is STRICKEN.
2. The parties shall file a proposed joint pretrial order, in the form attached as Attachment 1, no later than **October 15, 2014**. Unless ordered by the court, no pretrial conference will be held.
3. Upon approval of the pretrial order, this case will be scheduled for trial.
4. No later than **October 5, 2014**, Plaintiff shall meet personally or confer by telephone or in writing with Defendant Adrian Guerrero in order to file a joint pretrial order by October 15, 2014. The proposed joint pretrial order shall contain the following information:

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- a. A concise statement of the nature of the action and the contentions of the parties.
  - b. A statement as to the jurisdiction of the court, with specific legal citations.
  - c. A statement of all uncontested facts deemed material in the action.
  - d. A statement of the contested issues of fact in the case, as agreed upon by the parties.
  - e. A statement of the contested issues of law in the case, as agreed upon by the parties.
  - f. Plaintiff's statement of any other issues of fact or law deemed to be material.
  - g. Defendant's statement of any other issues of fact or law deemed to be material.
  - h. Lists or schedules of all exhibits which will be offered in evidence by the parties at the trial. Such lists or schedules shall:
    - i. Describe the exhibits sufficiently for ready identification.
    - ii. Indicate those exhibits agreed by the parties to be admissible at trial; and
    - iii. Indicate those exhibits agreed by the parties to be admissible at trial; and
  - i. Indicate those exhibits agreed by the parties to be admissible at trial; and
  - j. A statement by counsel for each party indicating any depositions intended to be offered at the trial, indicating with respect thereto, the portions to be offered.
  - k. A list of witnesses, with their addresses, who will be called at trial.
  - l. An estimate of the total number of trial days.
5. No exhibits shall be used and no witnesses called at the trial unless listed in the pretrial order, except when offered for impeachment purposes or as otherwise ordered by the Court on a showing of good cause.

1 6. If either party fails to fully comply with this order, the court may impose  
2 sanctions, up to and including case-dispositive sanctions.

3 Dated this 15th day of September, 2014.

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6 PEGGY A. LEEN  
7 UNITED STATES MAGISTRATE JUDGE  
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Attachment 1

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MICHAEL E. CLARK,

Plaintiff,

Case No. 2:09-cv-00141-JCM-PAL

PRETRIAL NOTICE ORDER

v.

ADRIAN GUERRERO,

Defendant.

Following pretrial proceedings in this cause,

**IT IS ORDERED:**

I.

This is an action for: (State nature of action, relief sought, identification and contentions of the parties).

II.

Statement of jurisdiction: (State the facts and cite the statutes which give this Court jurisdiction of the case).

III.

The following facts are admitted by the parties and require no proof:

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IV.

The following facts, though not admitted, will not be contested at trial by evidence to the contrary:

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V.

The following are the issues of fact to be tried and determined upon trial.<sup>1</sup> (Each issue of fact must be stated separately and in specific terms).

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VI.

The following are issues of law to be tried and determined upon trial.<sup>2</sup> (Each issue of law must be stated separately and in specific terms).

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VII.

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the Clerk:

(1) Plaintiff's exhibits.

(2) Defendant's exhibits.

(b) As to the following exhibits, the parties have reached the stipulations stated:

(1) Set forth stipulations as to plaintiff's exhibits.

(2) Set forth stipulations as to defendant's exhibits.

(c) As to the following exhibits, the party against whom the exhibits will be offered objects to their admission upon the grounds stated:

(1) Set forth objections to plaintiff's exhibits.

(2) Set forth objections to defendant's exhibits.

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<sup>1</sup>Should counsel be unable to agree upon the statement of issues of fact, the joint pretrial order should include separate statements of issues of fact to be tried and determined upon trial.

<sup>2</sup>Should counsel be unable to agree upon the statement of issues of fact, the joint pretrial order should include separate statements of issues of fact to be tried and determined upon trial.

1 (d) Depositions:

2 (1) Plaintiff will offer the following depositions: (indicate name of deponent  
3 and identify portions to be offered by page and line numbers and the party against whom they are  
4 offered).

5 (2) Defendant will offer the following depositions: (indicate name of  
6 deponent and identify portions to be offered by page and line number and the party against  
7 whom they are offered).

8 (e) Objections to depositions:

9 (1) Defendant objects to plaintiff's depositions as follows:

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 2) Plaintiff objects to defendant's depositions as follows:

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_

17 VIII.

18 The following witnesses may be called by the parties upon trial:

19 (a) State names and addresses of plaintiff's witnesses.

20 (b) State names and addresses of defendant's witnesses.

21 IX.

22 The parties have met and submit the following list of three agreed-upon trial dates:

23 \_\_\_\_\_

24 It is expressly understood by the undersigned that the court will set the trial of this matter  
25 on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the  
26 court's calendar.

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X.

It is estimated that the trial herein will take a total of \_\_\_\_ days.

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

XI.

ACTION BY THE COURT

(a) This case is set down for Court/jury trial on the fixed/stacked calendar on \_\_\_\_\_. Calendar call shall be held on \_\_\_\_\_ at \_\_\_\_m.

(b) An original and two copies of each trial brief shall be submitted to the Clerk on or before \_\_\_\_\_.

(c) Jury trials:

(1) An original and two copies of all instructions requested by either party shall be submitted on or before \_\_\_\_\_.

(2) An original and two copies of all suggested questions of the parties to be asked of the jury panel by the court on voir dire shall be submitted to the Clerk for filing on or before \_\_\_\_\_.

(d) Court trials:

Proposed findings of fact and conclusions of law shall be filed on or before \_\_\_\_\_.

The foregoing pretrial order has been approved by the parties to this action as evidenced by the signatures of their counsel hereon, and the order is hereby entered and will govern the trial of this case. The order shall not be amended except by order of the Court pursuant to agreement of the parties or to prevent manifest injustice.

DATED \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE